

REMARKS

I. General

The issues raised by the current office include:

- The Specification is objected to for informalities;
- Claims 1-34 stand rejected under the doctrine of obviousness-type double patenting; and
- Claims 1-34 stand provisionally rejected under the doctrine of obviousness-type double patenting.

Applicant hereby requests withdrawal of the above objections and rejections in light of the amendments presented above and for the reasons advanced below. Claim 18 is amended above to correct a typographical error. The inadvertent occurrence of a semicolon at the end of the claim has been replaced with a period. Claims 1-34 remain pending in this application.

II. Objections to the Specification

Paragraphs [0001] and [0020] of the specification have been amended above to replace recitations of Applicant's docket numbers, to identify incorporated related applications, with application serial numbers or patent numbers, as called for by the present Office Action.

III. Obviousness-type Double Patenting Rejections

Claims 1-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,839,824. Although Applicant does not agree with this rejection, Applicant has, in the interest of expediting prosecution of the present application, included herewith a first Terminal Disclaimer that is believed to be in compliance with 37 C.F.R. § 1.321(b). Therefore, Applicant respectfully submits that this obviousness-type double patenting rejection should be withdrawn.

Claims 1-34 are also indicated as provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent Application Serial No. 10/033,009. However, U.S. Patent Application 10/033,009 issued as U.S. Pat. No. 6,839,824 on January 4, 2005 and the non-provisional obviousness-type double patenting rejection of claims 1-34 in light of claims 1-24 of U.S. Pat. No. 6,839,824 is dealt with above and through filing of the first included Terminal disclaimer. Therefore, Applicant respectfully submits that this provisional obviousness-type double patenting rejection is now moot and should be withdrawn.

Claims 1-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-52 of U.S. Patent No. 6,715,031. Although Applicant does not agree with this obviousness-type double patenting rejection, Applicant has, in the interest of advancing prosecution of the present application, included herewith a second Terminal Disclaimer that is believed to be in compliance with 37 C.F.R. § 1.321(b). Therefore, Applicant respectfully submits that this obviousness-type double patenting rejection should also be withdrawn.

Claims 1-24 are indicated in the Office Action as provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-52 of U.S. Patent Application Serial No. 10/034,691. However, U.S. Patent Application 10/034,691 issued as U.S. Pat. No. 6,715,031 on March 30, 2004 and the non-provisional obviousness-type double patenting rejection of claims 1-34 in light of claims 1-52 of U.S. Pat. No. 6,715,031 is dealt with above and through filing of the second included Terminal Disclaimer. Therefore, Applicant respectfully submits that this provisional obviousness-type double patenting rejection is now moot and should be withdrawn, as well.

Claims 1-34 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent Application Serial No. 10/033,010. Claims 1-34 are also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent Application Serial No. 10/034,518. Claims 1-24 are indicated provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent Application Serial No.

10/034,888. Claims 1-24 are indicated as provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent Application Serial No. 10/032,923.

However, M.P.E.P. § 804 (I)(B) provides: "If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent." In light of the amendments and Terminal Disclaimers presented above in response to the non-provisional obviousness-type double patenting rejections, Applicant respectfully asserts that the provisional obviousness-type double patenting rejections are the only rejections remaining in this case, and therefore should be withdrawn.


IV. Conclusion

For all the reasons given above, Applicant submits that this application is in full condition for allowance. Applicant believes no fees, other than the Terminal Disclaimer fees dealt with in the accompanying transmittals and Terminal Disclaimers, are due with this response. However, if an additional fee is due, please charge Deposit Account No. 08-2025, under Order No. 30014512-1, from which the undersigned is authorized to draw. Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that the attorney can be helpful in resolving any remaining issues or can otherwise be helpful in expediting prosecution of the present application.


I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail Airbill No. EV375343268US, in an envelope addressed to: MS Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: June 15, 2005

Typed Name: Lisa deCordova

Signature: 

Respectfully submitted,

By 
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Date: June 15, 2005

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